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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/622,605 | 07/18/2003 | David M. Thompson | 1058 | 4295 |

7590

04/29/2005

Andrew W. Ludy
17 Sherwood Way
Landing, NJ 07850

EXAMINER

KING, ANITA M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,605

Applicant(s)

THOMPSON ET AL.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the second office action for application number 10/622,605, Adjustable Bimini Bracket, filed on July 18, 2003.

Response to Amendment

The indicated allowability of claim 7 is withdrawn in view of further consideration of reference(s) to Zane. Rejections based on the cited reference(s) follow.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,736,921 to Zane et al., hereinafter, Zane. Zane discloses an adjustable bracket (10) capable of connecting a bimini to a boat railing, the bracket comprising: a left side plate and a right side plate, the left and right side plates being generally parallel and spaced apart, the left and right side plates extending between opposite first and second ends, the left and right side plates extending between opposite front and rear edges, the left and right side plates each having a first hole (102) therethrough adjacent the first end, the first holes being collinear, the left and right side plates each having a second hole (100) therethrough adjacent the second end, the second holes being collinear, the left and right side plates each having an inner surface and an outer surface; a transverse plate (26) extending between the left and right side plates intermediate the first and second ends, the transverse plate extending from adjacent the

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front edge to adjacent the rear edge; a left ridge (90) on the left plate inner surface, and a right ridge (96) on the right plate inner surface, the left and right ridges being disposed intermediate the transverse plate and the first end, the left and right ridges extending from adjacent the front edge to adjacent the rear edge; a first bolt (80) and a hand knob (76), for allowing the tubular member to be clamped between the left and right side plates when the hand knob is hand tightened, thereby preventing the bracket from sliding on the tubular member, and for allowing the bracket to slide on the tubular member when the hand knob is hand loosened; a second bolt (48) and a nut (64) engaging the second holes; and a first boss juxtaposed with one the first holes, the first boss having a first recess (84) therein aligned with the first hole to receive the head of the first bolt, so as to resist turning of the first bolt while turning the hand knob; and a second boss juxtaposed with one of the second holes, the second boss having a second recess (70) therein aligned with the second hole to receive the head of the second bolt, so as to resist turning of the second bolt while turning the nut.

Allowable Subject Matter

Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 16 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: the primary reasons for the indication of allowable subject matter in this

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application are the limitations of an adjustable bimini bracket including a left side plate and a right side plate, a transverse plate extending between the left and right side plates intermediate first and second ends, a left ridge on the left plate inner surface and a right ridged on the right plate inner surface, the left and right ridges being disposed intermediate the transverse plate and the first end, the left and right side plates tapering upward in thickness from the first end to the ridges, to reinforce the side plates adjacent the first end, and a plurality of ribs on the outer surface of the left and right side plates, the ribs extending between the front and rear edges, to reinforce the side plates, included in independent claim 16 and in combination with the other elements recited in the claim, which is not found in the prior art of record.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

April 28, 2005